IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No.3913 of 2005

Between:

V.Jagadish Prasad,
S/o.Late T.D.Vasudevan,
Aged about 48 years, Social Worker,
R/o.H.No.1-128/2, Bhavani Nagar,
Malkajgiri, R.R.District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep. by its Special Chief Secretary Revenue

(Regn-I) Dept., A.P. Secretariat, Hyderabad-4.
2 The Commissioner & IG of Registration and Stamps Golconda X Roads,

Hyderabad.
3 The District Registrar, R.R.District, Bhavani Nagar, Moosapet, R.R.District.
4 The Sub-Registrar Malkajgiri, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents seeking to shift the office of respondent No.4 from Malkajgiri to Neredmet is against the public interest, loss to state exchequer, violative of

Articles 19(g) and 21 of the Constitution of India and consequently direct the respondents to continue the office of the respondent No.4 at Malkajgiri and pass such other order or orders as this Hon'ble court may deem fit and proper in the interest of justice.

Counsel for the Petitioner : Sri C.M.R.VELU

Counsel for the Respondents : G.P. FOR REVENUE

The Court at the admission stage made the following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

Writ Petition is filed as public interest litigation by V.Jagadish Prasad claiming himself to be Social Worker residing in Bhavani Nagar, Malkajgiri, Ranga Reddy district, complaining that respondents had taken a decision to shift the office of Sub-Registrar, Malkajgiri, from the present location to a distance of about 5 Kms at Neredmet in a new building offered by M/s Aditya Nirmal. Petitioner has alleged that presently the Sub-Registrar's office is

housed in a private building owned by Shyam Sunder on rental basis at Rs.2,200/- per month, whereas at the new location, the building is offered by M/s Aditya Nirmal, but at the rent of about Rs.12,000/- per month. It is stated that the Sub-Registrar's office at the present location is functioning for the last about 10 years and there is no grievance for the public, but now with *mala fide* object of giving financial gain to M/s Aditya Nirmal, respondents have colluded and they are trying to shift the Sub-Registrar's office.

We have heard learned counsel for the parties. The letter dated 09th February, 2005 from the Commissioner and Inspector General of Registration and Stamps, Hyderabad, to the Special Chief Secretary to Government (Revenue), Government of Andhra Pradesh, narrated certain vital facts that the owner of the building in which the present Sub-Registrar's office is located, has served legal notice under Section 80 of Code of Civil Procedure claiming arrears of rent and damages and also asking to vacate the premises. On receipt of the notice, the District Registrar, Ranga Reddy district, had reported to the higher authorities stating that the present building owner had demanded vacation of the building and also claimed damages, and had neither given consent nor entered into further lease with the Department. In these circumstances, the Sub-Registrar, Malkajgiri, had sought permission to shift the office to a suitable building, and thereafter permission was accorded. In response to the advertisement in newspaper for renting out suitable building for the office of Sub-Registrar, M/s Aditya Nirmal came forward and offered accommodation, which was found to be suitable, and at the behest of the Department, the owner had carried out necessary modifications to suit the needs of the office of Sub-Registrar at its own cost, and also submitted a requisition letter informing that the building is ready to be occupied. Thereafter, directions were issued for shifting the office to the new premises. There were certain representations sent to the Chief

Minister against the shifting of the office, but ultimately the letter dated 25th January, 2005 from the office of Chief Minister enclosing the representation of M.Bala Lingam, Vice-Chairman of Malkajgiri Municipality, was issued, directing to consider the request for shifting of Sub-Registrar's office to the new premises. Accordingly, the District Registrar was asked to shift the office. In these circumstances it cannot be said that the action of respondents is in any manner *mala fide* or arbitrary.

We are informed that some land has also been ear-marked for the purpose of the Sub-Registrar's office and a new building would come up, which will be owned by the Government and the office will be permanently housed in the new building to be constructed and the impugned action is a stop-gap arrangement, which had ultimately to be made since previous owner had served notice under Section 80 of Code of Civil Procedure. Maybe that notice has been served and subsequently withdrawn, but it has no effect of reversing the decision inasmuch as pursuant to the advertisement, the new owner had carried on alterations to building at its own cost and thus, the order of shifting is burdened with some litigation, since the new owner might claim damages even for carrying on alterations to his building. In such like matters as to where a public office has to be located, the decision solely vests with the respondents. It is known that Ranga Reddy district is well located on the periphery of the Hyderabad district. Thus, whether it is Malkajgiri area or any other place, distance from other place will not matter. The present writ petition also appears to be not *bona fide* since it is the Social Worker of Malkajgiri area, who has come forward in making the complaint. There cannot be interference in such like matters obstructing the shifting of public offices from one place to other on the grounds as made out in the writ petition.

Writ Petition is dismissed.

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DEVINDER GUPTA, C.J.

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B.SESHASAYANA REDDY, J

01-03-2005

bsc

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Special Chief Secretary Revenue

(Regn-I) Dept., Government of Andhra Pradesh, A.P. Secretariat,

Hyderabad-4.
2 The Commissioner & IG of Registration and Stamps Golconda X Roads,

Hyderabad.
3 The District Registrar, R.R.District, Bhavani Nagar, Moosapet, R.R.District.
4 The Sub-Registrar Malkajgiri, R.R.District.

5 2 CCs to Govt. Pleader for Revenue, High Court buildings, Hyderabad

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